

1 Q. Going back to Exhibit 4, the new employee
2 orientation, you'd said that it was May Paulino that gave you
3 this orientation?

4 A. Yes, correct.

5 Q. And you said that May rushed through it?

6 A. It was very quick.

7 Q. Do you know if that's May Paulino's signature under
8 the Personnel Department on this form?

9 A. It says it's Pat Clymer.

10 Q. Yeah. Was it Pat Clymer rather than May who
11 conducted your interview?

12 A. My interview was with May Paulino.

13 Q. Okay. Was Pat Clymer there?

14 A. Don't recall.

15 Q. Did you ever talk with -- You haven't mentioned the
16 name Mr. Suzuki or Mr. Ijima so far at all in the deposition.
17 Did you ever speak with those guys?

18 A. Regarding my incident?

19 Q. Anything?

20 A. No.

21 Q. You never talked with them?

22 A. Work-related but not --

23 Q. That's what I mean. Forget Christine. Did you see
24 them around the job in June, July and August of 2004?

25 A. Yes, I did.

1 Q. Were you on good terms with them?

2 A. Good terms like staff-manager relation?

3 Q. Yeah.

4 A. Good terms but I was not close to them.

5 Q. Were they ever mean to you or unfair to you before
6 August 11?

7 A. No, they were nice.

8 Q. When you spoke with them, did you speak with them in
9 English?

10 A. English, yes.

11 Q. They both spoke English?

12 A. They did but Mr. Suzuki tried because he knows
13 little bit English.

14 Q. Who's better, Ijima or Suzuki, at speaking English?

15 A. I would say Mr. Ijima.

16 Q. Were you working when Christina got fired?

17 A. Yes, I was.

18 Q. Do you remember what day that was?

19 A. On the 13th, August 2004.

20 Q. How did you find out that Christina had been fired?

21 A. I found out the next day that she was completely
22 fired, but on the 13, Christina had told me twice; she was
23 harassing me, asking me what she had done to me.

24 Q. So you were at work on the 13th, right?

25 A. Right.

1 Q. And I think Christina was calling you from somewhere
2 other than work, right?

3 A. Yes, outside.

4 Q. Did she call you on the Leo Palace telephone number
5 or on a cell number?

6 A. I'm not sure.

7 Q. Tell me about the first call from Christina.

8 A. The first call was actually received or answered by
9 Rita Villagomez, because there's two phones and I was on the
10 other one and I kept answering phone calls. And during those
11 times, I'll notice that Rita was whispering and I had a
12 feeling that it was Christina on the other line because she
13 was whispering and she was like -- Rita was kind of like
14 looking at me and like trying to cover.

15 Q. Was Christina supposed to be working that day?

16 A. I think she was like suspended.

17 Q. Do you think she was supposed to be scheduled to
18 work that day?

19 A. I don't know.

20 Q. Did anyone tell you that she had been sent home and
21 told to stay home?

22 A. On the 11?

23 Q. At any time?

24 A. On the 11, I heard that she was supposed to go home.

25 Q. After your interview with May?

1 A. That day she was supposed to go home in the morning.
2 When she came in the morning --

3 Q. Of the 12th?

4 A. Of the 11, and I heard that she was asked to go home
5 and not work, so she was supposed to go home but she didn't.
6 She rode in with the shuttle van drivers.

7 Q. On the 11th?

8 A. On the 11th.

9 Q. Who told you that May was supposed to go home?

10 A. Christina?

11 Q. Or Christina was supposed to go home?

12 A. I'm not sure who it was, I just heard.

13 Q. Did you also hear she was riding around with the
14 shuttle drivers?

15 A. I heard and when I rode to one of that shuttle --
16 the van, the driver had picked her up because she was on the
17 road.

18 Q. So did you ride in the van with Christina?

19 A. No, I was there first.

20 Q. So Christina got on the van?

21 A. Yes.

22 Q. And that's on the 11th?

23 A. On the 11th.

24 Q. And this is after Christina had been told to go
25 home?

1 A. Yes.

2 Q. Did you and Christina talk?

3 A. Yes.

4 Q. What did you talk about?

5 A. She asked -- Well, she was telling me what happened
6 and she said --

7 Q. What did she say happened?

8 A. She said that they're sending me home because of
9 complaints from us - me, Rose and Jen - you know, regarding
10 her wrongdoings. And she, at that moment, she admitted doing
11 those stuff with Jen and Rose, but she was like, "but I don't
12 remember doing anything to you, like what did I do." And at
13 first, I didn't want to answer and then she kept asking and
14 then I told her, don't you remember you humped me sometime in
15 June? And she didn't actually get a chance to answer it
16 because I had to get down to bring the laundry to the laundry
17 room.

18 Q. Did she threaten you in any way?

19 A. I felt threatened because on the 13th, she kept
20 calling.

21 Q. No, but on the 11th when you were riding around in
22 the van with her and talking with her?

23 A. I got conscious and I was kind of scared that she
24 was asked to go home and she's still here.

25 Q. Did she raise her voice or yell at you in any way?

1 A. No. I was just wondering, you know --

2 Q. Was she crying?

3 A. I don't recall.

4 Q. How long did this conversation last?

5 A. Not long, because after I dropped the laundry and I
6 went back to the van again and the van had just dropped me to
7 Reception Center where I was working.

8 Q. Did you tell anybody in management or any of your
9 supervisors, hey, I thought Christina was supposed to go home
10 and she's still here?

11 A. Not management.

12 Q. I'm sorry?

13 A. Not management.

14 Q. Who did you tell?

15 A. I believe Rose, but she already knew because one of
16 the shuttle driver, I think, told her already.

17 Q. Do you remember the name of the shuttle driver?

18 A. No.

19 Q. Man or a woman?

20 A. Man.

21 Q. Japanese or local?

22 A. I don't remember. That's when I found out she was
23 supposed to go home.

24 Q. Was this on the 11th or the 12th?

25 A. 11th.

1 Q. Did you work on the 12th?

2 A. I'm not sure.

3 Q. And the 13th was a Friday, right? Do you remember?

4 A. Yes.

5 Q. Do you remember that's the day that Christina
6 actually got fired?

7 A. Yes.

8 Q. When did she call you at work again?

9 A. The 13th.

10 Q. Friday the 13th?

11 A. Yes.

12 Q. The first call came in to Rita, right?

13 A. Yes.

14 Q. Did you speak with Christina when she called the
15 first time and was speaking with Rita?

16 A. Rita said that somebody wanted to talk to me.

17 Q. She didn't say it was Christine?

18 A. I asked her who but she didn't say anything. And
19 then when I picked up the handset, then I was already cut
20 off.

21 Q. Okay. So did you ask Rita if it was Christine?

22 A. No, because she had already gone down to eat lunch
23 with the rest of the morning staff.

24 Q. So you're assuming that it was Christine, you don't
25 really know; correct?

1 A. I assume, yes.

2 Q. Did you ever speak with Christine on that day,
3 Friday the 13th?

4 A. She called -- the second call came in and I was the
5 one that picked up because I was by myself and I had already
6 recognized her voice when she said, you know, "Vivienne" and
7 then she kept asking, "What did I do? What did I do? I
8 don't remember doing anything to you."

9 Q. Can you describe the tone of her voice?

10 A. Like she was frustrated but she wasn't angry but she
11 kept asking "What, what did I do? What did I do?" And at
12 first, I didn't want to answer because it's supposed to be
13 confidential that she was not supposed to be talking to us or
14 be near us but then she kept like harassing me, "What did I
15 do? What did I do?"

16 And then I just wanted to end the call and I told
17 her, you humped me, remember, sometime June 2004. She said,
18 "No, I don't remember." And I asked her, did management talk
19 to you anything about it, like were you given a report or
20 anything and she said, "No, management did not talk to me
21 about it." And then she said, "Okay, I'll just talk to you
22 later because I have a 3 o'clock meeting with May."

23 And at that moment, when I hang up the phone, all I
24 could remember was her stuff, like Christina bragging that
25 she had beaten up her girlfriend, her ex-girlfriend, for that

1 matter and she was reported to police but was never arrested
2 because she was related to a policeman.

3 So I got scared and I called HR and I spoke to Rose
4 and told her that I wanted to talk to May because I have
5 something to tell her and she said, "No, May's on the other
6 line" and she goes, "Do you want to leave her any message?"
7 And I told her exactly what happened and she goes, "Okay,
8 I'll let her know." At that time, I was really scared for my
9 life because, you know, I just remembered all this stuff. I
10 just went home.

11 Q. Were you there when security came to escort
12 Christina off the premises at any time during this time
13 period?

14 A. I don't know.

15 Q. So you went home right after you made the call to
16 Boots at HR?

17 A. I went home like 1:45.

18 Q. Do you blame Leo Palace for Christine Camacho
19 calling you on the 13th?

20 A. Well, at that moment, no, I just got scared.

21 Q. I mean, Leo Palace had fired Christine, right?

22 A. Yes, but their actions were delayed.

23 Q. Their actions were what?

24 A. Delayed.

25 Q. I understand you believe they fired her late, but

1 nonetheless, at the time -- she had been told to go home and
2 stay home and now she called you behind the front desk. I
3 mean, how do you think that's Leo Palace's fault?

4 **MS. MORRISON:** Objection; argumentative.

5 **THE WITNESS:** Well, since they knew they were
6 going to fire her, they should have at least prevented the
7 measures if she was going to retaliate or not.

8 **BY MR. ROBERTS: (Continuing)**

9 Q. Why didn't you just hang up on her?

10 A. She just kept asking and I wanted to see if -- or
11 hear from her if management had talked to her. I wanted to
12 hear it for myself.

13 Q. And once she said, "No, management had never talked
14 to me," why didn't you hang up on her?

15 A. And then -- no, because she just said, "Okay, I'll
16 talk to you later." That's the time I hang up.

17 Q. So who ended the call? You or her?

18 A. I think me.

19 Q. Didn't she say, "I got to go because I have a
20 meeting with May Paulino at 3 o'clock"?

21 A. Yes, but she was saying something else and then I
22 hung up.

23 Q. Was it wrong to fire Christine Camacho -- Was it
24 wrong for Leo Palace to fire Christine?

25 **MS. MORRISON:** Objection; calls for speculation.

1 THE WITNESS: I'm sorry?

2 BY MR. ROBERTS: (Continuing)

3 Q. Do you believe that it was the right thing for Leo
4 Palace to do in firing Christine Camacho?

5 A. Yes, but they should have done it earlier.

6 Q. I understand that's what you think. Do you find any
7 -- Do you fault Leo Palace -- I'll withdraw that question.
8 Exhibit 8, have you ever seen Exhibit 8? It's Phil Torres's
9 letter of August 16.

10 A. Yes.

11 Q. You've seen that letter?

12 A. Yes.

13 Q. When did you personally meet with Phil Torres?

14 A. On the day that I left early, August 13th, and I had
15 called Rose and informed her that Christina kept calling me
16 and then when I went home early, I went to her house and we
17 all went to see Phil.

18 Q. Is that why you left early on the 13th, because you
19 had an appointment with --

20 A. No. I left because I was scared.

21 Q. I'm guessing -- It sounds like one of the other or
22 one or two of the other girls had already spoken with Phil?

23 A. On that day, Rose said, we're going to see an
24 attorney today, we had already seen -- I mean, Jen and I had
25 already seen an attorney and we're going to go back again.

1 Q. Do you want to come with us?

2 A. Yes. And I wanted to inform them of what happened.

3 Q. And you said, yeah, I'll go?

4 A. Yes. But I was already there.

5 Q. Say that again?

6 A. I left early because I got scared, then I went
7 straight to her.

8 Q. To Rose's house?

9 A. Yes.

10 Q. And then you left with Rose to go see Phil?

11 A. Yes.

12 Q. When's the next time you went back to work after
13 August 13th?

14 A. I'm not sure.

15 Q. At some point, did you see a counselor who
16 recommended two weeks off?

17 A. Yes.

18 Q. This will be Exhibit 9.

19 (Exhibit 9 marked.)

20 **BY MR. ROBERTS: (Continuing)**

21 Q. Do you know who Tom Babauta is?

22 A. Yes. He was the therapist I saw but he's not a
23 doctor. He's a --

24 Q. Counselor?

25 A. Counselor.

1 Q. When did you first see Mr. Babauta?

2 A. August 19.

3 Q. And he recommended two weeks off for you, right?

4 A. Correct.

5 Q. Did you take two weeks off?

6 A. Yes, I did.

7 Q. How many times did you see Mr. Babauta for
8 treatment?

9 A. Twice.

10 Q. Did he ever tell you what he thought was wrong with
11 you?

12 A. All I could remember that he's saying that I had
13 anxiety and stress.

14 Q. Is Mr. Babauta able to prescribe medicine, to the
15 best your knowledge?

16 A. I don't know.

17 Q. Did he send you to another doctor?

18 A. No.

19 Q. Did he prescribe any medication for you?

20 A. No, he did not.

21 Q. Did any other doctor prescribe medication for you?

22 A. No.

23 Q. Did you ever see Dr. Libao?

24 A. Who?

25 Q. Okay. So you never had any prescription medication

1 prescribed for you as a result of these incidents at Leo
2 Palace for the Christine Camacho incident?

3 A. No.

4 Q. My mistake then. Did you take the two weeks off?

5 A. Yes, I did.

6 Q. Do you remember when you came back to work?

7 A. On the 3rd.

8 Q. I'll show what you we'll mark as Exhibit 12.

9 (Exhibit 12 marked.)

10 **BY MR. ROBERTS: (Continuing)**

11 Q. I believe this is your letter of resignation?

12 A. Yes.

13 Q. I forgot to ask you this: Did anybody at Leo Palace
14 give you any trouble for taking two weeks off?

15 A. What do you mean?

16 Q. I mean, you had to tell them, I'm taking two weeks
17 off, right?

18 A. Yes, to Suzuki.

19 Q. And what did Suzuki say?

20 A. Nothing. He just signed it. He said okay.

21 Q. He wasn't mad or anything?

22 A. No.

23 Q. Is that your signature?

24 A. Yes.

25 Q. Is this your letter of resignation from Leo Palace?

1 A. Yes. It's my two-week notice.

2 Q. What's the date of this letter?

3 A. October 15.

4 Q. Do you happen to have any memory of how many times
5 you actually worked, how many days you actually came to work
6 at Leo Palace between September 3rd and October 15th?

7 A. Do I remember how many days?

8 Q. How many days you actually came to work?

9 A. No.

10 Q. Let me show you what we'll mark as Exhibit 15.

11 (Exhibit 15 marked.)

12 **BY MR. ROBERTS: (Continuing)**

13 Q. Have you ever seen a document that looks like
14 Exhibit 15?

15 A. It's our --

16 Q. Do you know what Exhibit 15 is?

17 A. It's our front office work schedule.

18 Q. And were these posted somewhere?

19 A. In the back office.

20 Q. These posted in advance of the days you're supposed
21 to work?

22 A. Yes.

23 Q. There's a work schedule of two-week period, right?

24 A. Yes.

25 Q. These work schedule are posted before then so you

1 know what your schedule is for the next two weeks?

2 A. Correct.

3 Q. And then it looks like somebody has made changes to
4 the document by -- Do you see that? There's handwriting in
5 there and days are scratched out and letters are written in.
6 Do you see that?

7 A. Yes.

8 Q. On this document, do you know whose writing that is?

9 A. I believe it's part Mr. Suzuki, part Mr. Sekine, the
10 others I don't know.

11 Q. What was your next job after Leo Palace?

12 A. Front desk agent at the Marriott.

13 Q. At the Marriott?

14 A. Yes.

15 Q. Do you remember what your first day at the Marriott
16 was?

17 A. My first day, November 7.

18 Q. Had you applied for a job at the Marriott prior to
19 writing your resignation letter on October 15?

20 A. I'm not sure.

21 Q. If you can recall, when did you decide to write your
22 resignation letter? Did you decide to quit from Leo Palace?

23 A. When Rose told me she was going to quit. And at
24 that moment, I felt like quitting, too. And even though it
25 was hard for me to quit, it was something that I had to

1 decide.

2 Q. You weren't already looking for a job before Rose
3 told you she was quitting?

4 A. There was a job fair at Palace Hotel but I don't
5 recall if it's before or after this.

6 Q. You went to that job fair?

7 A. Yes.

8 Q. Did you fill out a written application for
9 employment with the Marriott?

10 A. Employment application?

11 Q. Yes.

12 A. Yes, at the job fair.

13 Q. And at the job fair is when you applied for work at
14 the Marriott?

15 A. I'm sorry?

16 Q. And you filled out a job application for the
17 Marriott at this job fair at the Palace Hotel?

18 A. Yes.

19 Q. So would I be correct that -- You don't remember
20 when that was. Did you start thinking about finding another
21 job during your two weeks off?

22 A. No.

23 Q. Did you start thinking about finding another job
24 before Rose told you she was quitting?

25 A. No, after.

1 Q. Was there any difference between working for Leo
2 Palace and before your sexual harassment complaint letter
3 from Phil Torres to Leo Palace?

4 A. Before the letter?

5 Q. Let me slow that down. Did anything change in your
6 job at Leo Palace after your sexual harassment complaint?

7 A. Yes.

8 Q. What changed?

9 A. Managers treated us differently.

10 Q. How differently?

11 A. Like Mr. Mariyama, before the incident, Christine
12 was fired, he always comes to the front desk to pick up the
13 letter or messages that he has and he would say good morning
14 and he would smile and he would greet all of us and he'll
15 look at us in a happy way. But after Christine was fired, he
16 would selectively greet staff and sometimes when I greeted
17 him, he would just like look at me and just look away.

18 Q. Look away?

19 A. Yes, like continue walking. And when there's was
20 two of us, me and Rita Villagomez, I was the one that greeted
21 him like good morning and he looked at me and then looked at
22 Rita and said good morning, you know, instead of me. He
23 looked at me and then looked at Rita and said good morning to
24 her.

25 Q. Were you surprised that Mr. Mariyama appeared to be

1 upset over the fact that you three had hired an attorney and
2 threatened to sue Leo Palace for sexual harassment?

3 A. I was surprised.

4 Q. Do you blame him for being upset?

5 A. No.

6 Q. Was any other manager different towards you after
7 your sexual harassment complaint?

8 A. Mr. Suzuki.

9 Q. Huh?

10 A. Mr. Suzuki.

11 Q. How was Mr. Suzuki different?

12 A. He wouldn't talk to us anymore like before.

13 Q. Mr. Mariyama testified at his deposition -- were you
14 there at his deposition?

15 A. Yes, I was.

16 Q. Do you remember him testifying that he was afraid of
17 you after your sexual harassment was filed or that he was
18 afraid to talk to you?

19 A. I think so.

20 Q. Do you have any reason to believe that he was being
21 untruthful when he said that in his deposition?

22 A. I'm sorry?

23 Q. Do you have any reason to believe that Mr. Mariyama
24 was not telling the truth when he said he was just afraid to
25 talk to you after your sexual harassment complaint?

1 A. Do I believe that Mr. Mariyama was afraid of us?

2 Q. Do you have any reason to believe that he was lying
3 when he said he was afraid of talking to you?

4 A. I'm not sure but that's manager. He should just not
5 take it personally.

6 Q. Did you expect him to be friendlier towards you
7 after your sexual harassment complaint was filed?

8 A. We weren't really on friendly terms. I was never
9 close to him.

10 Q. How was Mr. Suzuki different after you complained
11 about sexual harassment?

12 A. Well, he would talk to us and sometimes -- like we
13 would have potlucks every morning when it's busy.

14 Q. You would have what?

15 A. Potlucks, you know, like bring food to eat at the
16 front desk and then -- We did this before everything happened
17 and then he would just join us and like he's happy. But
18 after the incident, like he didn't want to be a part of it
19 anymore.

20 Q. And how about any other manager?

21 A. Like had changed?

22 Q. Uh-huh. Treated you differently after your sexual
23 harassment complaint after than before.

24 A. That I felt, there's one time that Ms. May Paulino
25 was at the front desk and she said something like, "Madam,

1 the duplex can now use the hotel swimming pool."

2 Q. What did she say?

3 A. She goes, "Madam."

4 Q. Madam?

5 A. Madam.

6 Q. As in M-A-D-A-M?

7 A. Yes.

8 Q. And she was addressing you?

9 A. Yes.

10 Q. Okay.

11 A. And she goes, The duplex residents can now use the
12 hotel pools -- swimming pool. Because before, they weren't
13 allowed because they had their own pool. And she goes, "All
14 they have to do is bring me the form or bring the form to the
15 front desk and they can use it." And I asked her, so how do
16 we get the forms or like where, where do we get it from,
17 because I was inquiring and she said, "I will give it to
18 them."

19 Q. May said she would give them the forms?

20 A. Yes, the duplex. And at that time, like her tone
21 was like sarcastic.

22 Q. Oh, May had a sarcastic tone?

23 A. Yes, in a sarcastic way.

24 Q. In your opinion, was she being sarcastic when she
25 said that she would give them the forms or when she said

1 madam?

2 A. Both. The first reaction that I had after she said
3 Madam, you know, like Madam, that's like, okay, and then she
4 goes, "I will give it to them."

5 Q. Okay. Other than Mr. Mariyama, Mr. Suzuki and
6 Ms. Paulino, which we've just talked about, did any other
7 supervisor or manager treat you differently after your sexual
8 harassment complaint?

9 A. No, just regular staff.

10 Q. Was anyone mean to you?

11 A. Anyone in management or?

12 Q. Yeah.

13 A. They gave us the silent treatment. I wouldn't say
14 mean because they never talk to us anymore.

15 Q. You had to talk with Suzuki or Ijima about
16 scheduling matters, right?

17 A. What do you mean?

18 Q. Did you ever talk with Suzuki or Ijima about your
19 work schedule after you complained about sexual harassment?

20 MS. MORRISON: Compound question.

21 THE WITNESS: If I requested schedules?

22 BY MR. ROBERTS: (Continuing)

23 Q. After August 16, you still spoke with managers,
24 right?

25 A. Yes.

1 Q. You still spoke with Mr. Suzuki, right?

2 A. Yes, work-related.

3 Q. And you still had work-related conversations with
4 Mr. Ijima after August 16, right?

5 A. Correct.

6 Q. And you still had work-related discussions with
7 Ms. Paulino after August 16?

8 A. No.

9 Q. Well, ordinarily, your work-related discussions
10 would be with Mr. Suzuki and Mr. Ijima rather than Ms.
11 Paulino, right? Ordinarily?

12 A. I'm sorry?

13 Q. Before August 16, you wouldn't ordinarily have
14 work-related -- Strike that. Did you have any other
15 conversations with Ms. Paulino after August 16 other than
16 this swimming pool conversation?

17 A. (Witness shook head.)

18 Q. She works in a completely different part of the
19 hotel than you though, doesn't she?

20 A. Yes.

21 Q. So lots of days, you wouldn't even see her, isn't
22 that right?

23 A. Yes.

24 Q. What was your rate of pay when you left your job at
25 Leo Palace?

1 A. Same, \$6.

2 Q. What was your rate of pay at Marriott?

3 A. When I started or?

4 Q. When you started?

5 A. Seven.

6 Q. It was a dollar an hour higher?

7 A. Yes.

8 Q. What is it currently?

9 A. Eight. It's 7.99 but it's 8, \$8.

10 Q. They're paying you \$7.99 an hour?

11 A. Yes. It's just one cent but they still pay for \$8.

12 Q. You've heard Jennifer Holbrook testify that -- Let

13 me strike that. Did Leo Palace retaliate against you in any

14 financial way for complaining about sexual harassment, like

15 cutting your hours or cutting your pay? Anything like that?

16 A. Well, on the August 13, when I left early because I

17 only worked one hour for that day, they didn't actually cut

18 hours but I went home and that was a result of me being

19 scared. And at that time, I feel like I already called HR

20 about it around 1:24 and I couldn't wait any longer, so I

21 left 1:45 and I just believe that I deserve more time if

22 somebody was there to watch over me.

23 Q. Are you saying you went home that day early and you

24 didn't get paid for it?

25 A. As a result; yes.

1 Q. You're saying you went home that day early and you
2 didn't get paid for your normal eight hours?

3 A. Yes. Like because, you know, like it was a result
4 of me going home. If I had not gone home and they had
5 someone to watch me, I would have worked the whole eight
6 hours.

7 Q. Did you ask for somebody to watch you?

8 A. I didn't ask. I never asked.

9 Q. Weren't there other front desk clerks?

10 A. No. At that time, I was the only one.

11 Q. Aren't there security guards?

12 A. No, there wasn't.

13 Q. Aren't there greeters at the door of the hotel?

14 A. At that time?

15 Q. Uh-huh.

16 A. I don't know.

17 Q. Aren't there bell boys and baggage porters?

18 A. There were bell boys but I didn't know at that time
19 -- I didn't notice.

20 Q. Shuttle drivers?

21 A. Shuttle drivers --

22 Q. I mean, there's a lot of employees hanging around in
23 the lobby at that hotel at any time, isn't there?

24 A. Yes.

25 Q. So what kinds of protection are you talking about?

1 A. Like security protection.

2 Q. Well, anyway, so my question was, did Leo Palace
3 retaliate against you in a financial way for your sexual
4 harassment complaint?

5 A. Other than that, no.

6 Q. Other than them not --

7 A. Other than when I left early.

8 Q. Okay. Jennifer Holbrook said that Leo Palace cut
9 her hours because she complained about sexual harassment.
10 You heard her testify to that?

11 A. Yes.

12 Q. Do you think she's telling the truth?

13 A. I don't know.

14 Q. Did Jennifer Holbrook ever tell you that she was
15 planning to go -- get a college degree soon and leave her
16 job? Anything like that?

17 A. At some point, I'm not sure like when, that she said
18 she was a golf teacher and that she was attending school also
19 but I don't know, I didn't really give importance to --

20 Q. Did you know she was going to UOG while she was
21 working at Leo Palace?

22 A. At that time if I knew?

23 Q. Yeah, did you know at that time?

24 A. I think so but I'm not really sure.

25 MR. ROBERTS: We're going to take a quick

1 break. I'll look over my notes and see where we are. Okay.

2 (Off the record.)

3 (Back on the record.)

4 BY MR. ROBERTS: (Continuing)

5 Q. We're back on the record after a ten-minute break.

6 Let me show what you I've marked as Exhibits 16 and 17.

7 These appear to be the 2004 and 2005 fiscal year 1040 EZ

8 forms or tax returns. Vivienne, do you see your signature on

9 Exhibits 16 and 17?

10 A. Yes, I do.

11 Q. And is Exhibit 16 your 2004 tax return?

12 A. Correct.

13 Q. And Exhibit 17 is your 2005 tax return?

14 A. Yes.

15 Q. So you left Leo Palace for a higher paying job?

16 Your job after Leo Palace was higher paying than your Leo

17 Palace job, right?

18 A. I'm sorry?

19 Q. Your Marriott job paid more than your Leo Palace
20 job, right?

21 A. Yes, just a dollar more.

22 Q. A dollar more per hour?

23 A. Per hour.

24 Q. And you decided to quit your job at Leo Palace
25 because Rose was quitting?

1 A. After she told me that she was going to quit, I felt
2 like I wanted to quit, too, because I didn't want to carry
3 the burden of what Rose and Jennifer had gone through.

4 Q. Why did you quit your job at Leo Palace?

5 A. Why I did quit my job?

6 Q. (Nodded head.)

7 A. Because I didn't want management to be -- to turn --
8 because I've seen what Rose and Jen had gone through with
9 Mr. Mariyama and the stuff that he said. When Rose said she
10 was going to quit, I just didn't want to carry that burden.

11 Q. What burden?

12 A. That they had gone through, that they were stressed.
13 And, you know, even though I didn't want to leave Leo Palace,
14 it was a hard decision.

15 Q. It was a hard decision to leave Leo Palace?

16 A. Yes.

17 Q. Did anyone at Leo Palace force you to quit your job?

18 A. No.

19 Q. Did you feel forced to quit your job or was it just
20 a hard decision?

21 A. I didn't want to quit, but at that point, I felt
22 like it.

23 Q. You decided to quit?

24 A. I decided to quit.

25 Q. And that's because Rose had quit?

1 A. Yes.

2 MS. MORRISON: Objection; mischaracterizes her
3 testimony.

4 BY MR. ROBERTS: (Continuing)

5 Q. Why did you think that you would have to carry any
6 sort of burden after Rose -- Let me withdraw the question.
7 Jennifer had quit a while before this, right?

8 A. Yes.

9 Q. At least a month before this, right?

10 A. Maybe two months. She left sometime in August.

11 Q. Yeah. And so you would have been working with Rose
12 for those two months after Jennifer quit, right?

13 A. Yes.

14 Q. And why did you think you'd have to carry some sort
15 of a burden when Rose quit?

16 A. Because of the lawsuit.

17 Q. Do you believe you were discriminated against by
18 anyone at Leo Palace Resort?

19 A. Discrimination in what way?

20 Q. Any kind of discrimination?

21 A. After the incident?

22 Q. Before or after?

23 A. Yes.

24 Q. By whom?

25 A. By Ms. Paulino.

1 Q. Why do you think May Paulino discriminated against
2 you?

3 A. Because she was already aware of my incident and
4 other incidents that were brought down to her and I thought
5 that me being a Filipino and Christina being a Chamorro might
6 have been the reason that she was not written up or
7 counselled, at least.

8 Q. You were Filipino when May hired you, right?

9 A. Yes.

10 Q. How many Filipino employees did Leo Palace have in
11 2004 approximately?

12 MS. MORRISON: Objection; calls for speculation.

13 BY MR. ROBERTS: (Continuing)

14 Q. More than a hundred, right?

15 A. I don't know.

16 MS. MORRISON: Objection; argumentative.

17 BY MR. ROBERTS: (Continuing)

18 Q. Did you ever tell the EEOC that you felt you were
19 discriminated against because you were Filipino?

20 A. I don't remember.

21 Q. Do you feel like any other manager at Leo Palace
22 Resort discriminated against you in any way other than May
23 Paulino?

24 A. That I feel?

25 Q. Yes.

1 A. In general, like the management, like the Japanese
2 managers.

3 Q. Uh-huh.

4 A. I felt that with their culture, Japanese culture, me
5 being like a woman, because I believe like with Japanese
6 culture, men are more superior than women and I thought at
7 that time that they didn't listen to us because we were -- a
8 woman.

9 Q. Any other discrimination that you feel you were
10 subjected to other than what you just mentioned?

11 A. No.

12 Q. When Rose told you she was quitting, did you
13 understand you had a choice that you could quit or not quit?

14 A. Yes, I had a choice.

15 Q. And what choice did you make?

16 A. At first, I didn't want to, because front desk --
17 being a front desk clerk, I took up tourism and it's like
18 work-related, like what I studied and that's what I'm doing
19 now, you know, with tourists and it was something that I
20 enjoyed doing and learning, specially I was getting more
21 knowledge on Japanese, you know, language. And I didn't want
22 to leave, specially because of the distance between my house
23 to Leo Palace, it's very near. So but overall, I just had no
24 choice.

25 Q. Well, wait a minute. First you said you had a

1 choice?

2 A. Well, I thought -- I mean, I had a choice and I
3 didn't want but it was like making a hard decision.

4 Q. And you chose to quit?

5 A. I chose to quit.

6 Q. And was that a voluntary decision?

7 A. Yes.

8 Q. You thought about it and you made a voluntary
9 decision to resign your job at Leo Palace; is that correct?

10 A. Yes.

11 Q. What were the reasons you decided to go see a
12 counselor?

13 A. Right after Christina was harassing -- at least on
14 the 11th and specially on the day that she was fired, I felt
15 that some day that she was going to retaliate because of us.
16 And so everyday that I go to work and which is mostly morning
17 shift, and me, I'm the person that would go to work even like
18 more than thirty minutes even though it's closed. And
19 everyday, when I'll drive, I will be like looking around, is
20 she there, is she anywhere near me, is she around or is
21 anyone in particular, like because she had friends, you know,
22 someone that I don't know, so I have to be watchful.

23 Q. Do you think Leo Palace should have -- Let me ask it
24 this way: What do you think Leo Palace should have done, if
25 anything, after it fired Christine Camacho?

1 A. (No response.)

2 Q. That's a bad question. I'll withdraw it. After
3 Christine was fired and after she came and rode around in the
4 shuttle, did you ever see her back on Leo Palace premises?

5 A. Yes.

6 Q. When?

7 A. August 15th she was checked into the condominiums.
8 We noticed -- we just -- for me, in particular, I noticed her
9 voice coming from that room, you know, over the phone and it
10 was not her room -- not registered under her name. It was
11 under an active employee, Rita Villagomez, and she was not
12 even listed as a guest.

13 Q. So what did you do about that, if anything?

14 A. I'm sorry?

15 Q. Did you tell anybody, hey, Christine is on the
16 premises?

17 A. Yes.

18 Q. Who?

19 A. I told Rose that I think that was Christina, that
20 was her voice. And then, you know, we called several times
21 to check and it was her. So Jen called up Mr. Mariyama on
22 the phone and said that Christina was checked into one of the
23 condos and I believe Jen said that Mr. Mariyama was busy at
24 that time and she had asked him to, you know, to go to front
25 desk when he's not busy.

1 And then that day, Mr. Ijima pointed to Jen like you
2 go to the storage room and they were going to talk and we
3 didn't actually hear, but -- it wasn't clear but we could
4 hear it was loud voices. And then when Jen came out, she
5 said, Mr. Ijima is getting mad that he's not -- he doesn't
6 know what to do, he wasn't informed and then -- like she was
7 getting mad at her. And then me and Rose were like, why
8 would he get mad at us, we're not the bad guys, we're the
9 victims, we just need security.

10 Q. Well, what happened with respect to Christina being
11 out at the condo? Was Palacios Security called?

12 A. Not at that time. He was called later.

13 Q. Later that day?

14 A. No. Mr. Palacios responded like two hours, after
15 two hours.

16 Q. And what did Palacios do?

17 A. He watched the front desk and then when we had our
18 lunch. He escorted us and then went back up and then when we
19 got home, I'm not sure if he rode in a different car or if he
20 was with us, but he made sure that we got to our cars.

21 Q. Was it your understanding that management had called
22 Palacios to make sure these things happened?

23 A. Yes, but it was delayed.

24 Q. Like two hours?

25 A. Yes.

1 Q. Do you know what Palacios did that day with respect
2 to Christine Camacho?

3 A. I think they investigated.

4 Q. Do you think they escorted her physically off the
5 Leo Palace premises?

6 A. I don't know.

7 Q. You don't know?

8 A. I don't know.

9 Q. Did you ever see Christine Camacho on Leo Palace
10 premises after that day?

11 A. After that day? No.

12 Q. What feelings or emotions or other -- feelings or
13 emotions were you experiencing when you decided to go see a
14 counselor?

15 A. I was having stress, headaches, I couldn't go to
16 sleep, and when I go to sleep, I wake up early morning and
17 cannot go back to sleep again and just cannot think anymore,
18 like cannot concentrate on my work job.

19 Q. So you saw Tom Babauta how many times?

20 A. Two times.

21 Q. Once on August 19, 2004, the first day?

22 A. Yes.

23 Q. You had an appointment for September 30 of 2004,
24 too, but you cancelled it, right?

25 A. Yes, due to car problems.

1 Q. Due to car problems?

2 A. Yes, my car overheating.

3 Q. And then you had another session on October 5 of
4 2004?

5 A. Yes, that was the second one.

6 Q. Have you ever seen Mr. Babauta again for treatment?

7 A. No.

8 Q. Have you ever seen any other counselor for treatment
9 after that October 5, 2004?

10 A. I'm not sure if -- I'm sorry?

11 Q. Yeah, is October 5, 2004 the last time you sought
12 counseling --

13 A. Yes.

14 Q. -- in connection with the Leo Palace incidents?

15 A. Yes.

16 Q. Did it help? The counseling?

17 A. Yes.

18 Q. Did your headaches go away?

19 A. (Witness nodded head.) A little bit.

20 Q. After your counseling, did your sleeping patterns
21 improve?

22 A. It mellowed down.

23 Q. Did your stress level get better?

24 A. It improved a little bit, slowly but it didn't
25 actually like over the night; like slowly, gradually.

1 Q. I understand that you were probably stressed about
2 these depositions that were coming up, right?

3 A. Yes.

4 Q. Before you were told about these depositions, how
5 were you doing in terms of your emotional condition as a
6 result of these incidents at Leo Palace?

7 A. I was doing okay. I mean, I moved on.

8 Q. Answer this question if you can. At what point or
9 at some point after your Leo Palace job, did you feel like
10 I'm over it?

11 A. No, I still had.

12 Q. What?

13 A. I was still bothered.

14 Q. In what way?

15 A. Knowing that Christina is still there and if she was
16 going to strike out of the blue.

17 Q. Well, today, are you over it?

18 A. I'm over it.

19 Q. How long do you think you suffered stress as a
20 result of the incidents at Leo Palace?

21 A. After I resigned?

22 Q. Yeah, for how many weeks or months did you continue
23 to suffer from stress or anxiety or sleeplessness or any of
24 these symptoms you talked about?

25 A. I was slowly getting better after three months -

1 about, I'm not sure - and then just slowly.

2 Q. You said I was slowly getting better after about
3 three months?

4 A. After about three months, I noticed that I was like
5 healing and not think about what just had happened in the
6 past but there were still some but not that much.

7 Q. Did you ever miss any time at work with your
8 Marriott job because of what happened at Leo Palace?

9 A. Yes, while I was sick.

10 Q. No, because of what happened?

11 A. Oh, I'm sorry. Leo Palace?

12 Q. Yeah, because of what you went through at Leo
13 Palace, did you ever miss any time at work at the Marriott?

14 A. Not in regard to Leo Palace. I was just sick. You
15 know, cough, colds.

16 Q. By the time you started working at Marriott, were
17 you over most of your problems from the Leo Palace?

18 A. From when I started?

19 Q. (Nodded head.)

20 A. Not really. I mean --

21 Q. How about a month or two into your job at the
22 Marriott, were you over most your problems from Leo Palace?

23 A. I would say about three months that I had started to
24 not think about it anymore.

25 MR. ROBERTS: That's all I have. Thank you for

1 answering my questions.

2 CROSS-EXAMINATION

3 BY MS. MORRISON:

4 Q. I have a few questions. Earlier when you were
5 testifying about the orientation you received, you said it
6 was very quick?

7 A. Yes.

8 Q. What do you mean by or how long do you consider very
9 quick? How long did that orientation session take?

10 A. The orientation? Between time frame of about five
11 to ten minutes.

12 Q. Earlier you were also testifying about a comment
13 that Christina made about a sandwich that you thought, that
14 looking back now you think was sexually harassing. At the
15 time, was that everything that Christina had said at the time
16 just that you were a sandwich?

17 A. No.

18 Q. What else did she say?

19 A. She made a second statement, a follow-up statement
20 saying that she was going to make a sandwich out of us and
21 eat us. She said literally eat you guys.

22 Q. And at the time when you heard her say she's going
23 to eat you, at that time, did you think that that was
24 sexually harassing? That part of the statement?

25 A. Yes.

1 Q. Earlier, Mr. Roberts asked you if Rose was your
2 supervisor and you said yes. Was there anyone else who also
3 supervised you during the period from May 2004 through August
4 2004?

5 A. Yes, there were.

6 Q. Who were those other people who supervised you?

7 A. Christine Valencia who was at Reception Center Front
8 Desk for morning shift and Jun Layug, Reception Center
9 Supervisor for swing shift.

10 Q. Earlier, you testified that on August 11th when you
11 spoke with May Paulino, that you said you would feel
12 comfortable working with Christina; why did you say you would
13 feel comfortable working with Christina?

14 A. Because it's something that I didn't want to let go
15 of my job for. I felt like if I tell anyone, that it would
16 result of me losing my job instead of her.

17 Q. And what do you mean by that when you say you felt
18 like it would result in you losing your job?

19 A. That if I would be the one to tell on her, that they
20 would take it against me, they would fire me. I was scared.

21 Q. And by they, who do you mean?

22 A. Management.

23 Q. You just also testified about your emotional state
24 and how long you felt it took you before you started getting
25 better after you left Leo Palace and you said that you

1 thought you could feel yourself getting slowly better after
2 about three months?

3 A. Correct.

4 Q. In between that time period and today, have you
5 still though experienced effects of what you think -- that
6 you think were caused by what happened to you at Leo Palace?

7 MR. ROBERTS: Objection; leading.

8 THE WITNESS: Sometimes it just comes to my mind
9 and I just trying to like talk it out with my family and open
10 up to them, that, oh, I'm experience this again and just by
11 talking to them would help me like move on and not think
12 about it.

13 BY MS. MORRISON: (Continuing)

14 Q. How often does it come to your mind?

15 A. Not as often as before like with Leo Palace.

16 Q. But do you have an estimate as to how often you
17 experience that?

18 A. You mean how many times in a day?

19 Q. Is it at least everyday that you think about it?

20 MR. ROBERTS: Objection; leading.

21 BY MS. MORRISON: (Continuing)

22 Q. Then how often?

23 A. Not often. Maybe once in a while. Just once in a
24 while it would come.

25 MS. MORRISON: Okay. I don't have any further

1 questions. Philip?

2 **MR. TORRES:** I have a few.

3 **CROSS EXAMINATION**

4 **BY MR. TORRES:**

5 Q. Your lawsuit with Leo Palace is for sexual
6 harassment, right?

7 A. Yes.

8 Q. It's not for racial discrimination?

9 A. No.

10 Q. You were here and you heard Rose testify that she
11 felt a lot of stress in the way that she was treated by
12 management after Christina was terminated, right?

13 A. Yes.

14 Q. You heard that testimony?

15 A. Yes.

16 Q. Did you have a lot of stress after Christine was
17 terminated also?

18 **MR. ROBERTS:** Objection; leading.

19 **THE WITNESS:** Yes.

20 **BY MR. TORRES:** (Continuing)

21 Q. How did you deal with that? How did you personally
22 or together deal with that?

23 A. Well, it's just something that I have to deal with
24 everyday that we work at Leo Palace and not thinking that I
25 don't want to lose my job, because I love my job and it's

1 just something that we have to put up with.

2 Q. It was something that we had to put up with. So you
3 and Rose dealt with this together as a group?

4 A. Yes.

5 Q. Did you believe that if she quit, you were going to
6 have to deal with this by yourself?

7 MR. ROBERTS: Objection; leading. I'm just
8 objecting for the record. You can ignore me. That's all.
9 Objection; leading.

10 THE WITNESS: I'm sorry?

11 BY MR. TORRES: (Continuing)

12 Q. Did you believe that you would have to deal with
13 what you have described as a stressful situation by yourself?

14 MR. ROBERTS: Same objection.

15 THE WITNESS: Yes.

16 MR. TORRES: I have nothing further.

17 REDIRECT EXAMINATION

18 BY MR. ROBERTS:

19 Q. How do you like your job with the Marriott?

20 A. Good.

21 Q. It's a nice place to work?

22 A. Are we on the record?

23 Q. Yeah, we're on the record. Is it a nice place to
24 work?

25 A. Yes, it is.

1 Q. Have you ever gotten any promotions since you
2 started working there?

3 A. I was offered but I declined.

4 Q. But you've gotten pay raises, right?

5 A. Yes, twice.

6 Q. Two pay raises in --

7 A. Two years.

8 Q. Two years. Who's your immediate supervisor?

9 A. It depends on what shifts.

10 Q. What's your job again?

11 A. Front -- well, with the HR -- My job title is At
12 Your Service Operator, but with my knowledge with the front
13 desk, they pull me once in a while for the Front Desk.

14 Q. Did you say the words HR or no?

15 A. Yes, my HR like the documents, my job title.

16 Q. Oh, okay. So you work at the Front Desk?

17 A. They pull me to the Front Desk once in a while but
18 it's on the Front Office Department, same department.

19 Q. Name all your immediate supervisors.

20 A. Past or to the present or?

21 Q. Right now.

22 A. Right now, for the Operator Department is Irma
23 Biranda. She's the Operator Supervisor. And for the Front
24 Desk, we have Ms. Lilly Beth Suiko. She's the Front Office
25 Manager. We have Mr. Sukasa Yanagashima who's the Director

1 for the Rooms Department, Rooms Operation. We have Ms. June
2 Mitchell. She's Assistant Manager MDP. We have Ms. Kaori
3 Owamura, Assistant Manager MDP. I have Mr. James Chai, Front
4 Office Supervisor.

5 Q. Okay. That's enough. Thank you.

6 A. There's two more.

7 Q. Okay. Two more, go ahead.

8 A. Actually, one more, Kirsten Foss, Front Office
9 Supervisor.

10 Q. What was the promotion you were offered?

11 A. Front Office Supervisor.

12 Q. Did you turn it down?

13 A. I turned it down.

14 Q. How come?

15 A. I wanted to concentrate on this because I notice
16 that the Front Desk Supervisors, they have to be within the
17 Front Desk and deal with the problems and always be at the
18 Front Desk area and be with guests and I was afraid that if I
19 took the offer, that I won't be able to -- I will be more
20 stressed dealing with both, with what's going on now.

21 Q. About this lawsuit?

22 A. Yes.

23 Q. When were you offered the job as Front Desk
24 Supervisor?

25 A. January.

1 Q. Of 2007?

2 A. Yes, of this year.

3 Q. Of this year?

4 A. Yes.

5 Q. So only about three months ago?

6 A. Yes, and they talked to me again on promoting me to
7 Room Assigner and I told them not yet and they were willing
8 to wait.

9 Q. So it's your understanding you're going get the
10 promotion when this lawsuit is over?

11 A. I hope so, if the position is still open. But they
12 said okay, just let me know.

13 Q. Let them know when this lawsuit is over?

14 A. Let them know when I'm ready to take the offer.

15 Q. Did you tell them about this lawsuit?

16 A. This manager.

17 Q. Which manager?

18 A. I told the HR Manager.

19 Q. What's his or her name?

20 A. Ms. Dote, Catherine Dote. She asked why I left Leo
21 Palace.

22 Q. How do you spell her last name?

23 A. D-O-T-E.

24 Q. Dote?

25 A. Dote. And I said that we had problems with Leo

1 Palace.

2 Q. Who's the person who told you okay, we'll wait on
3 the promotion?

4 A. Ms. Lilly Beth Suiko, the Front Desk Manager.

5 Q. She told you that in January of this year?

6 A. Yes.

7 Q. And on another occasion more recently?

8 A. Yes, February, last month.

9 Q. That was in connection with a different promotion?

10 A. Different promotion.

11 Q. What was the second promotion?

12 A. Room Assigner.

13 MR. ROBERTS: Okay. Nothing further. Thanks.

14 MS. MORRISON: I don't have anything further.

15 MR. TORRES: Nothing further.

16
17
18 (Deposition concluded at 4:01 p.m.)
19
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25

CERTIFICATE OF WITNESS

I, Vivienne Villanueva, being first duly sworn on oath, depose and say that I am the witness named in the foregoing deposition transcript and that I have read the questions and answers thereon as contained in the foregoing deposition, consisting of pages 1 through 87; that the answers are true and correct as given by me at the time of taking the deposition, except as indicated on the correction sheet.

Vivienne Villanueva

REPORTER'S CERTIFICATE

I, Veronica F. Reilly, Certified Shorthand Reporter, hereby certify that Vivienne Villanueva personally appeared before me at the time and place set forth in the caption hereof; that at said time and place I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and the foregoing transcript, pages 1 to 87, both inclusive, constitutes a full, true, and correct record of such testimony adduced and oral proceedings had and of the whole thereof.

Witness my hand at Barrigada, Guam, this 25th day of April 2007.



Veronica F. Reilly, CSR-RPR
Certified Shorthand Reporter